



Senator Rockefeller's response to the Jan. 9th chemical spill

A timeline of action

Since the very beginning of this crisis, Senator Rockefeller has taken a series of legislative and federal actions to respond to the spill, and he has been in constant contact with officials across all levels of government, and with state, local and community leaders. This includes, but is not limited to, daily conference calls and meetings with stakeholders and public health officials.

Rockefeller's top priority is to protect the public's health—now and in the future. To that end, he is committed to answering four key questions: (1) How did the spill happen? (2) Is West Virginians' drinking water safe? (3) What are the long-term health consequences of this spill on the public? (4) How do we make sure this never happens again?

Friday, January 10: Rockefeller releases a statement in response to the spill less than 24 hours after it was reported – he is the first federal official to do so:

"I am deeply troubled by yesterday's chemical spill at the Freedom Industries plant in Charleston and concerned about the problems it is causing thousands of West Virginians across nine counties. First and foremost, the safety of our citizens is my priority, so I urge everyone in the contaminated areas to remain vigilant and follow directions from emergency personnel about the use of running water. Along with those at the highest levels of our federal and state government, I am closely monitoring the response. I urge all officials involved to do whatever it takes, and leave no resource on the table, so that this situation can be quickly resolved for the sake of our families and our precious water supply. I commend Governor Tomblin for requesting a State of Emergency, West Virginia Division of Homeland Security Director Jimmy Gianato for coordinating the response and the White House for moving swiftly in granting the governor's request. Once all of the impacted counties and residents are able to return to a semblance of normalcy, I expect a full accounting of what happened -- and what can be done -- to make sure this type of disaster never happens again. And we must be prepared to do whatever is necessary to restore the Elk River. As West Virginians, we know how to come together during the most difficult times. We check in on elderly neighbors. We make sure our friends and family are safe. We embrace each other in the tough moments. And that is what we must do now."

Friday, January 10: Rockefeller asks the Chemical Safety Board to investigate. The CSB agrees the following day and announces members will arrive on Monday, January 13.

Sunday, January 12: Rockefeller sends a letter to the appropriations committee asking for more resources for CSB, which is notoriously under-staffed and over-worked.

Monday, January 13: A joint committee working on a fiscal year 2014 funding package agrees to Rockefeller's request for a higher funding level for the CSB, from the \$8.5 million requested by the House to \$11 million, the same day CSB members arrive in West Virginia at Rockefeller's request.

Tuesday, January 14: Rockefeller writes a letter to the CDC and EPA requesting a joint study into the long-term health effects of MCHM.

Wednesday, January 15: Rockefeller releases the following statement:

"As we have all learned, this particular storage facility had not been inspected since 1991. That is simply absurd, and a deeply disturbing revelation about gaps in government oversight and enforcement that have jeopardized the public's health and seriously damaged our economy. We need better oversight and we need to act quickly. Currently, in West Virginia, there is no requirement that chemical storage facilities, like the one owned by Freedom Industries, be inspected whatsoever. State officials have said they want to address this lack of oversight, and I'm encouraged by that. But, this issue is not just a West Virginia issue. Chemical storage facilities exist in countless communities across the country. I often hear complaints that regulations are too costly or that industries should be allowed to regulate themselves. Clearly, this approach has failed hundreds of thousands of West Virginians. I believe that the federal government must also play a role in the oversight and inspection of these facilities. I am working with my colleagues to identify ways to improve the federal government's role in this area."

Thursday, January 16: Rockefeller applauds the passage of the FY 2014 government spending plan that includes his requested increase for the CSB.

Friday, January 17: Announces legislation to hold companies responsible for chemical spills, and to boost available money for cleanup.

"Last week's enormous chemical spill poisoned the water supply for hundreds of thousands of West Virginians devastated families and shuttered schools, businesses. That crisis demands an immediate response," Rockefeller said. "Whether through asking the Chemical Safety Board to investigate the spill's causes; requesting more resources for the agency so it can figure out what went wrong and outline prevention strategies; or asking public health experts to examine the nature of this chemical and its long term health effects, I'm vigorously pursuing every avenue possible to assist as

West Virginians deal with this emergency. Our families and businesses have suffered tremendously and have borne significant costs already. This bill corrects a glaring hole in our law that leaves residents vulnerable to shouldering the cleanup costs associated with a non-hazardous chemical spill.”

Friday, January 17: Rockefeller writes to West Virginia-American Water President Jeff McIntyre seeking clarity on the company’s ongoing efforts to remove MCHM from its customer’s drinking water.

Monday, January 20: Rockefeller releases a statement calling Governor Tomblin’s efforts to address regulatory gaps in state law a “first step.”

“It’s perfectly clear that we should have been better prepared to prevent and respond to a disaster of this magnitude. I’m pleased Governor Tomblin and leaders in the state legislature are working to address this gap by proposing important corrections and updates to state law. The legislation they are proposing is a step in the right direction. We are taking action at the federal level, too, including a bill I’m co-sponsoring with Senator Manchin to increase federal oversight of chemical facilities. The spill was a horrendous incident that has taken a physical and emotional toll on hundreds of thousands of our residents, and it has caused immeasurable damage to the Kanawha Valley’s economy. I believe the state’s bill, along with the work I’m spearheading with several colleagues in the Senate, will bring some accountability to companies that conduct business in a manner that puts West Virginians at risk.”

Monday, January 20: Senator Rockefeller writes an Op-Ed on the Freedom Industry spill that appears in the Charleston Gazette and in the Huffington Post.

Wednesday, January 22: After receiving a response from West Virginia-American Water, Rockefeller writes a second letter with additional concerns and points of clarification in light of reported spikes in chemical levels, and no timeline from the company about replacing compromised filters or improving ongoing testing along distribution systems.

Friday, January 24: Rockefeller sends a letter to the directors of the CDC and National Institute of Environment Health Sciences urging timely, accurate and relevant information be released to the public as they had not yet evaluated the second chemical, PPh.

Tuesday, January 28: Along with members of the West Virginia congressional delegation, Rockefeller writes a letter to the Federal Emergency Management Agency (FEMA) requesting the agency approve Governor Tomblin’s request for additional federal resources, specifically relating to water distribution and reimbursement for state expenses.

Wednesday, January 29: On his behalf, Rockefeller sends representative from his Senate office to a Town Hall Meeting in Charleston to address participants. Rockefeller sent the following statement:

"We are all wrestling with a number of questions about this awful incident, including how it happened and what could have been done to prevent it. I am committed to getting answers to these critically important questions and so many other questions that are still unanswered. But now, many of you are asking perhaps the most important question of all: what do we do now? That's why forums like this town hall are so important, and it's why I take every phone call, email and letter to my office very seriously. In fact, questions and concerns that I've heard directly from the community are helping to drive my response to this crisis. In response, I asked the Chemical Safety Board to investigate and secured additional resources to help the CSB run its investigation here. I asked the Centers for Disease Control (CDC) and the Environmental Protection Agency (EPA) to work on a joint study into the long-term health risks associated with MCHM. I asked West Virginia American Water to provide us with greater transparency and clarity in what the company is doing to minimize the risk to its customers. And I helped introduce several pieces of federal legislation to strengthen oversight, accountability and clean up efforts. West Virginia is a special place, and one that we all love dearly. We all want to continue raising our families here but that means never again having to worry about the quality of our water or our air. And so I hope these meetings will mobilize our communities like never before, so we can make West Virginia all that we know it can be. As I have done for the past fifty years, I stand ready to help every step of the way."

Tuesday, February 4: Rockefeller attends and offers testimony at a hearing of the Waters and Wildlife Subcommittee of the U.S. Senate Committee on the Environment and Public Works. The hearing is entitled "Examination of the Safety and Security of Drinking Water Supplies Following the Central West Virginia Drinking Water Crisis." An excerpt from his testimony:

"Industry will resist any new regulations or stronger enforcement measures. It's an isolated incident in West Virginia, they will argue. Agencies in charge of oversight do not need more resources, some will claim. In fact, Republicans have purposely sought to starve certain agencies of funding so they cannot do their job adequately. We continue to pay a price for this cynical strategy."

"Over thirty years, I have heard these complaints all too often from chemical companies, coal operators, railroads – really too many industries to name. We can no longer trade the public's health and welfare for industry profits. As we have seen in West Virginia, when you cannot drink the water, not much else matters. Not much business gets done. The long-term economic damage from this crisis is almost immeasurable and the breach of trust seems irreparable."

"I am committed to working with the Members of the Committee to strengthen regulations and to properly fund and staff oversight agencies.

"West Virginia is a special place -- one that I love dearly. So I thank the Committee for focusing its attention on understanding what happened, and how we make sure it never happens again."

Wednesday, February 5: Senator Rockefeller releases a statement on the CDC and EPA providing on-the-ground updates on the agencies' ongoing work to monitor the drinking water. Rockefeller, in his remarks, continues efforts with CDC, EPA and others to increase transparency and arm West Virginians with as much information as possible.

"As West Virginians make decisions about the water they use, they must have straightforward answers about possible contaminants in the water. They need to have confidence that everyone across the board—businesses, manufacturers and government officials—all are taking every possible step to protect the public's health. My overarching concern is that trust in the information people have been receiving is eroded as they've learned of a series of troubling revelations throughout this last month.

"The most critical question people are trying to understand is whether the water from their tap is safe for today and tomorrow. Too many families and businesses have not felt that they have been getting the answer they need. Early in this crisis I called upon EPA and CDC to offer the best and most timely and precise information to the public, and have been in touch with them every day over the last month. I am very pleased the CDC and the EPA are joining state officials in West Virginia to help answer critical questions as a step forward in helping to restore the public's trust. To fully accomplish this goal, we need industry, public utilities and officials across the board to do the same."

Monday, February 10: Rockefeller offers a statement for the record at a field hearing in Charleston of the U.S. House of Representatives Committee on Transportation and Infrastructure. His statement:

For 10 days following January 9th, 300,000 West Virginians were told not to use their water for drinking, cooking, cleaning, bathing or washing. Despite government assurances that the water is safe, doubt lingers. And now, a month after the spill, too many unanswered questions remain.

It has been a financially taxing and emotionally draining month for families and businesses who have struggled with concerns about the water safety, worries about long-term health effects of this chemical exposure, and the noxious odor that remains in their water. State and federal agencies are working to find answers, but deficiencies in

our regulatory structure and the lack of adequate funding for federal agencies have made their jobs infinitely more difficult.

Residents are seriously doubting West Virginia's future. There are a number of people who have said they are considering moving out of West Virginia because they have no confidence in the future and our regulatory scheme at the state or federal level.

I'll repeat what I said at last week's hearing of the Woods and Wildlife Subcommittee. Industry will resist any new regulations or stronger enforcement measures. Its short-sighted leaders will argue that last month's spill is an isolated incident in West Virginia. Industry not looking out for you; industry does everything they can and cuts corners to get away with it. This cynical strategy is causing irreparable harm to West Virginians' well-being—and their sense of our state's future.

We can no longer trade the public's health and welfare for industry profits. We've done it for far too long. As we have seen in West Virginia, when you cannot drink the water, not much else matters. The long-term economic damage from this crisis is almost immeasurable and the breach of trust seems irreparable.

In the hours following the spill, I asked the Chemical Safety Board to investigate. Knowing that the Chemical Safety Board's mission is seriously strained by irresponsible funding cuts that left it understaffed and overworked, I worked with my colleagues working on the Fiscal Year 2014 omnibus to secure additional resources to help the Board do its job.

Further, I've asked the Centers for Disease Control and the Environmental Protection Agency to work on a joint study into the long-term health risks associated with the main chemical spilled, crude methylcyclohexane methanol, or crude MCHM.

Additionally, I contacted the National Institute of Environmental Health Sciences and Centers for Disease Control asking that any studies, new findings or outside data be shared among the many federal and state agencies working to address this spill, as well as with the public, as fully and quickly as possible.

I've also taken steps to address the problem legislatively. Senator Manchin and I, along with Senator Boxer, have introduced a bill that would require regular state inspections of chemical storage facilities and make sure the chemical industry is held accountable for developing an emergency response plan for their facilities when an incident like this occurs.

I also cosponsored two bills with Senator Schatz that would hold companies like Freedom Industries accountable when spills of non-hazardous substances occur, and provide state and federal governments with access to funding that can cover the costs associated with cleaning up a chemical spill.

Locally, I've remained in close contact with state agencies and the National Guard and have written letters to West Virginia American Water asking for more transparency and clarity in what the company is doing to minimize the risk to its customers.

We must be absolutely certain that new findings, or outside data, be shared among the federal and state agencies working to address this spill, as well as with the public as fully and quickly as possible. Transparency can no longer be optional. It has to be a regular part of doing business in West Virginia.

I thank this Committee for focusing its attention on this tragic incident that has drastically impacted the lives of so many wonderful people. Please know that I am committed to finding answers for West Virginians and to working at the Federal level to make sure a disaster like this never has to happen again and that those accountable are held responsible.